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MURIEL M. LIBERTO, PH.D.

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* NEW YORK STATE BAR ADMISSION PENDING

FACSIMILE TRANSMISSION

PLEASE DELIVER THE FOLLOWING PAGES

TO : Ms. Doshie DayCOMPANY/FIRM : U.S. Patent and Trademark OfficeFACSIMILE NO. : (703) 308-7749FROM : John P. White, Esq./AJM/AJDTOTAL NUMBER OF PAGES, INCLUDING COVER PAGE: 26DATE : November 27, 2002 TIME:

IF YOU DO NOT RECEIVE ALL THE PAGES, PLEASE CALL BACK AS SOON AS
POSSIBLE TO (212) 278-0431.

MESSAGE: PETITION TO WITHDRAW HOLDING OF ABANDONMENT further to November 27,
2002 TELEPHONE CONFERENCE in connection with Ilya Trakht for
DEVELOPMENT OF HUMAN MONOCLONAL ANTIBODIES AND USES THEREOF, U.S.
Serial No. 09/664,485, filed September 18, 2000, including a
Facsimile Certificate of Transmission dated November 27, 2002.

=====

THE INFORMATION CONTAINED IN THIS FACSIMILE TRANSMISSION IS INTENDED SOLELY FOR THE
PERSONAL AND CONFIDENTIAL USE OF THE DESIGNATED RECIPIENT(S) NAMED ABOVE. THIS
TRANSMISSION MAY BE AN ATTORNEY-CLIENT COMMUNICATION CONTAINING INFORMATION THAT IS
PRIVILEGED AND CONFIDENTIAL. IF THE READER OF THIS MESSAGE IS NOT A DESIGNATED RECIPIENT
OR AN AGENT RESPONSIBLE FOR DELIVERING IT TO A DESIGNATED RECIPIENT, YOU ARE HEREBY
NOTIFIED THAT YOU HAVE RECEIVED THIS DOCUMENT IN ERROR, AND THAT ANY REVIEW, DISTRIBUTION,
OR COPYING OF THIS MESSAGE IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS
COMMUNICATION IN ERROR, OR IF UPON READING THIS DOCUMENT YOU HAVE REASON TO BELIEVE THAT
THE DOCUMENT WAS INADVERTENTLY SENT TO YOU, PLEASE NOTIFY US IMMEDIATELY BY COLLECT
TELEPHONE CALL AND RETURN THE ORIGINAL MESSAGE TO US BY MAIL. THANK YOU.

Dkt. No. 55099-A-PCT-US/JPW/AJM/AJD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant. Ilya Trakht
U.S. Serial No.: 09/664,485
Filed: September 18, 2000
For: DEVELOPMENT OF HUMAN MONOCLONAL ANTIBODIES
AND USES THEREOF

1185 Avenue of the Americas
New York, New York 10036
November 27, 2002

Honorable Commissioner for Patents
Washington, D.C. 20231
ATTN: Ms. Doshie Day
Office of Initial Patent Examination

Sir:

PETITION UNDER 37 C.F.R. §1.8(b)
TO WITHDRAW HOLDING OF ABANDONMENT

This is a Petition under 37 C.F.R. §1.8(b) to withdraw the holding of abandonment set forth in the Notice of Abandonment issued September 27, 2002 in connection with the above-identified application. The September 27, 2002 Notice states that the subject application was abandoned for applicant's alleged failure to timely or properly reply to the Notice to File Missing Parts mailed on November 14, 2000. A copy of the September 27, 2002 Notice, which alleges that no reply was received by the Patent Office, is attached as Exhibit A.

Pursuant to instructions provided during a November 27, 2002 telephone conference between the undersigned attorney, Alan J. Morrison, Esq., and Ms. Doshie Day of the Office of Initial Patent Examination, applicant is submitting this Petition under 37 C.F.R. §1.8(b) by facsimile to the attention of Ms. Day. The undersigned attorney understands that, upon receipt of and satisfaction with this Petition, Ms. Day will withdraw the

Applicant: Ilya Trakht
Serial No.: 09/664,485
Filed: September 18, 2000
Page 2

holding of abandonment.

A petition under 37 C.F.R. §1.8(b) requires that applicant: (1) inform the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence; (2) supply an additional copy of the previously mailed or transmitted correspondence and certificate; and (3) include a statement which attests, on a personal knowledge basis or to the satisfaction of the Commissioner, to the previous timely mailing or transmission.

Pursuant to 37 C.F.R. §1.8(b)(1), this Petition is being filed promptly after applicant's undersigned attorney became aware that the Patent Office indicated it did not receive a reply to the Notice to File Missing Parts.

The Notice to File Missing Parts, issued in the subject application on November 14, 2000, required applicant to submit a signed Declaration and Power of Attorney by January 14, 2001, which deadline was extendible under 37 C.F.R. §1.136(a). A copy of the November 14, 2000 Notice to File Missing Parts is attached as Exhibit B.

In response to the November 14, 2000 Notice to File Missing Parts, applicant submitted to the U.S. Patent and Trademark Office a Communication In Response To November 14, 2000, Notice To File Missing Parts Of Application Filing Date Granted And Petition For A Three-Month Extension Of Time ("Communication") on April 13, 2001. Applicant included with the Communication (a) payment of the four hundred and forty-five dollars (\$445.00) required for a three-month extension, and (b) a signed Declaration and Power of Attorney. With the three-month

Applicant: Ilya Trakht
Serial No.: 09/664,405
Filed: September 18, 2000
Page 3

extension, a response to the Notice to File Missing Parts was due April 14, 2001. Therefore, the April 13, 2001 Communication was timely filed.

In support of this Petition, and pursuant to 37 C.F.R. §1.8(b)(2), applicant attaches hereto as **Exhibit C** a copy of the April 13, 2001 Communication, including the signed Declaration and Power of Attorney and certificate of mailing dated April 13, 2001. Applicant also attaches hereto as **Exhibit D** a copy of the front and back sides of the check in the amount of \$510.00 submitted with the Communication, which amount includes the \$455.00 fee for the requested three-month extension of time and a \$65.00 surcharge. The back side of the check indicates that the check was cashed by the Patent Office on April 18, 2001. Applicant attaches hereto as **Exhibit E** a copy of the postcard which accompanied the April 13, 2001 Communication and was returned to applicant's undersigned attorney by the Patent Office. The postcard indicates receipt of the Communication by the Patent Office on April 16, 2001, as evidenced by the Patent Office's stamp bearing that date. Furthermore, applicant attaches hereto as **Exhibit F** a copy of the internal docketing records for the subject application from the undersigned attorney's law firm. The highlighted portion confirms that according to the law firm's internal docketing records, the required response to the November 14, 2000 Notice to File Missing Parts was timely filed on April 13, 2001. Finally, pursuant to 37 C.F.R. §1.8(b)(3), applicant attaches hereto as **Exhibit G** a declaration of John P. White relating to the timely filing of the April 13, 2001 Communication.

It is noted that, as discussed between Ms. Day and the undersigned attorney, the Declaration submitted with the

Applicant: Ilya Trakht
Serial No.: 09/664,485
Filed: September 13, 2000
Page 4

Communication incorrectly identifies the subject application as having U.S. Serial No. 09/040,833 instead of U.S. Serial No. 09/664,485. However, Ms. Day stated that it is not necessary at this stage to include with this Petition a corrected signed Declaration and Power of Attorney identifying the subject application as U.S. Serial No. 09/664,485, and that such matter could be addressed at a later time. Accordingly, applicant has not included a corrected Declaration with this Petition.

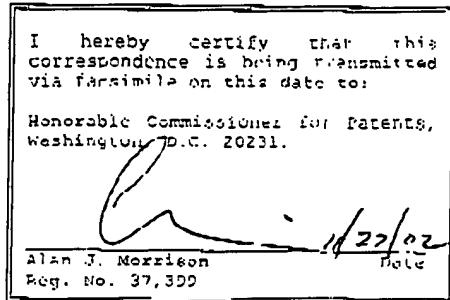
In view of the evidence submitted herewith, it is clear that applicant filed a timely response to the November 14, 2000 Notice to File Missing Parts, and that the response was received by the Patent Office. Applicant notes that the requirements of 37 C.F.R. §1.8(b) have been met, and therefore respectfully requests that the holding of abandonment set forth in the September 21, 2002 Notice of Abandonment be withdrawn, and the subject application proceed to examination.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicant's undersigned attorney invites the Examiner to telephone at the number provided below.

Applicant: Ilya Triakht
Serial No.: 09/664,485
Filed: September 13, 2000
Page 5

No fee is deemed necessary in connection with the filing of this Petition. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 20,678
Alan J. Morrison
Registration No. 37,399
Attorneys for Applicant
Cooper & Dunham LLP
1195 Avenue of the Americas
New York, New York 10036
(212) 270-0400

EXHIBIT A



Commissioner for Patents Washington, DC 20231 www.uspto.gov			
APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/664,485	09/18/2000	Ilya Trakht	55099-A-PCT-US/JPW/GJC

Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

CONFIRMATION NO. 4698

ABANDONMENT/TERMINATION
LETTER

OC000000008866125

Date Mailed: 09/27/2002

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 11/14/2000.

- No reply was received.

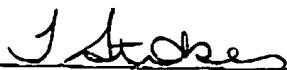
A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to "Office of Petitions" at (703) 305-9282.

*A copy of this notice **MUST** be returned with the reply.*


Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

EXHIBIT B



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/664,485	09/18/2000	Ilya Trakht	55099-A-PCT-US/JPW/GJC

Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

FORMALITIES LETTER



00000000005551893

Date Mailed: 11/14/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 65.

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

EXHIBIT C

Docket No.55099 A-PCT-US/TPW/SHS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ilya Trakht
Serial No.: 09/040,833
Filed : September 18, 2000
For : DEVELOPMENT OF HUMAN MONOCLONAL ANTIBODIES AND
USES THEREOF

1185 Avenue of the Americas
New York, New York 10036
April 13, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: Box Missing Parts

Sir:

COMMUNICATION IN RESPONSE TO NOVEMBER 14, 2000,
NOTICE TO FILE MISSING PARTS OF APPLICATION FILING
DATE GRANTED AND PETITION FOR A THREE-MONTH EXTENSION OF TIME

This Communication is submitted in response to the November 14, 2000 Notice to File Missing Parts of Application - Filing Date Granted issued by the United States Patent and Trademark Office in connection with the above-identified application. A response to this November 14, 2000 Notice was originally due January 14, 2001. Applicants hereby petition for a three month extension of time. Applicants have previously established small entity status. The required fee for a three-month extension of time for a small entity is FOUR HUNDRED AND FORTY-FIVE DOLLARS (\$445.00) and a check which includes this amount is enclosed. Therefore, a response is now due April 14, 2001. Accordingly, this Communication is being timely filed.

The Notice to File Missing Parts of Application indicates that the oath or declaration is unsigned. Applicants attach hereto a copy of the Notice as Exhibit A. In response, applicants submit as Exhibit B hereto a signed Declaration and Power of Attorney pursuant to 37 C.F.R. §1.53(f). In compliance with 37

Applicants: Ilya Trakht
Serial No.: 09/040,833
Filed : September 18, 2000
Page : 2

C.F.R. §1.63, the Declaration refers to the application's above-identified serial number and filing date.

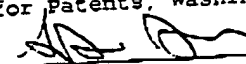
The surcharge under 37 C.F.R. §1.16(e) for filing a Declaration and Power of Attorney with the response to the Notice to File Missing Parts of Application for a small entity is SIXTY-FIVE DOLLARS (\$65.00) and a check which includes this amount is enclosed.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone either of them at the number provided below.

No fee, other than the enclosed fee of \$510.00 which includes the \$65.00 surcharge fee and the \$445.00 fee for a three-month extension of time, is deemed necessary in connection with the filing of this Communication. If any additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
	4-13-01
John P. White	Date
Reg. No. 28,678	
Spencer H. Schneider	
Reg. No. 45,923	

John P. White
Registration No. 28,678
Spencer H. Schneider
Registration No. 45,923
Attorneys for Applicant(s)
Cooper & Dunham, LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

DEVELOPMENT OF HUMAN MONOCLONAL ANTIBODIES AND USES THEREOF

the specification of which:
(check one)

_____ is attached hereto.

X was filed on September 18, 2000 as

Application Serial No. 09/040,833

and was amended September 18, 2000
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 (a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International Application which designated at least one country other than the United States, listed below. I have also identified below any foreign application for patent or inventor's certificate, or PCT International Application having a filing date before that of the earliest application from which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

Number	Country	Filing Date	Yes	No
PCT/US99/05828	PCT	18 March 1999	<u>X</u>	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

Declaration and Power of Attorney

Page 3

Please address all communications, and direct all telephone calls, regarding this application to.

John P. White
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
Tel. (212) 278-0400

Reg. No. 28,678

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or
first joint inventor Ilya Trakht

Inventor's signature

Citizenship U.S.A.

Date of signature

Residence 736 West 186th Street #4D, New York, New York 10033

Post Office Address same as residence

Full name of joint
inventor (if any)

Inventor's signature

Citizenship

Date of signature

Residence

Post Office Address

Full name of joint
inventor (if any)

Inventor's signature

Citizenship

Date of signature

Residence

Post Office Address

EXHIBIT D

COOPER & DUNHAM LLP
FJO ACCOUNT
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036

HSBC
HSBC Bank USA

P 48512

1-108/210

DATE

04/13/2001

AMOUNT

\$510.00

Five Hundred Ten and No/100 Dollars

THE
DEB

Commissioner of Patents
and Trademarks

Jay H. Kline

SECURITY FEATURES INCLUDED, DETAILS ON BACK

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⑆021204005⑆
02115227

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HSBC BANK USA
04/28/01

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NOV 14 01

NOV 14 01
11:00 AM
FEDERAL RESERVE BANK
NEW YORK, NY

NOV 14 01

RENT AND FRACTION OFFICE
11-10-0001
14-18-2001
FOR DEPOSIT TO THE
U.S. TREASURY

NOV 14 01

EXHIBIT E

Applicant Ilya Trakht CMB
Client Columbia(0575) File No. 55099-A-PCT-US JFW/SHS
Date April 13, 2001

Kindly acknowledge receipt of the accompanying
**COMMUNICATION IN RESPONSE TO NOVEMBER 14, 2000 NOTICE TO
FILE MISSING PARTS OF APPLICATION UNDER 37 C.F.R. §1.53(d) AND
PETITION FOR A THREE-MONTH EXTENSION OF TIME**, in connection
with Ilya Trakht, U.S. Serial No. 09/040,833, filed September 18, 2000 for
**DEVELOPMENT OF HUMAN MONOCLONAL ANTIBODIES AND USES
THEREOF**, including a copy of the Notice To File Missing Parts (Exhibit A),
original Declaration and Power of Attorney (Exhibit B), a check in the amount of
\$510.00 and a Certificate of Mailing dated April 13, 2001

Date Due: April 14, 2001

by placing your receiving date stamp hereon and returning to us

APR 16 2001

PATENT & TRADEMARK OFFICE

EXHIBIT F

PCMaster v3.03.02 - Cooper & Dunham - [Patent]

Docket Number	55099-A-PCT-US	Attorney	JOHN P. WHITE
Country	United States	Agent	
Case Type	REGULAR CASE TYPE	Client Division	COLUMBIA UNIVERSITY
Relation Type	CONTINUATION	Current Owner	COLUMBIA UNIVERSITY
Class Type	NATIONAL CASE	Previous Owner	
Serial Number			

DEVELOPMENT OF HUMAN MONOCLONAL ANTIBODIES AND USES THEREOF

Action	Arjuna Due Date	Arjuna Date	Deadline Date	Completed Date
CHECK DECL/REFUND(if needed)	18NO2000			
INFORMATION DISCLOSURE STATEMENT	18DE2000			
MISSING PARTS DUE	14JA2001			
EXTENSION TO RESP TO NTC OF MSG	14FE2001			
EXTENSION TO RESP TO NTC OF MSG	14MR2001			
EXTENSION TO RESP TO NTC OF MSG	14AP2001	13AP2001		
8mo FOREIGN FILING REMINDER	18MY2001			
10mo FOREIGN FILING REMINDER	18JL2001			
11mo FOREIGN FILING REMINDER	18AU2001			
12mo FOREIGN FILING DEADLINE	18SE2001			
2MO RESP TO NTC ABAN - IF DESIRED	27NO2002			

Created: 22-11-2000 15:00 Updated: 10-01-2002 18:00 PMB: JFC: SM8

EXHIBIT G

Dkt. No. 55099-A-PCT-US/JPW/AJM/AJD

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ilya Trakht
U.S. Serial No.: 09/664,485
Filed: September 18, 2000
For: DEVELOPMENT OF HUMAN MONOCLONAL ANTIBODIES
AND USES THEREOF

1195 Avenue of the Americas
New York, New York 10036
November 27, 2002

Honorable Commissioner for Patents
Washington, D.C. 20531

Sir:

DECLARATION OF JOHN P. WHITE, ESQ.
IN SUPPORT OF PETITION UNDER 37 C.F.R. §1.8(b)


I, John P. White, Esq., hereby declare as follows:

1. I am a member of the firm Cooper & Dunham LLP, attorneys for applicant.
2. I have been a partner with Cooper & Dunham LLP since February 1, 1983.
3. I am registered to practice before the Patent and Trademark Office and I am the attorney of record in the above-identified application.
4. I supervised Spencer H. Schneider, Esq., the attorney who signed and submitted the Communication in Response to the November 14, 2000 Notice to File Missing Parts that was mailed to the Patent Office on April 13, 2001.

Applicant: Ilya Trakht
 Serial No.: 09/664,405
 Filed: September 18, 2000
 Page 2

5. All correspondence which is prepared for mailing to the U.S. Patent and Trademark Office by first class mail is placed in a mailbox in the mailroom of Cooper & Dunham LLP where postage is attached to the envelope in the correct amount and bearing the correct postmark, and the envelope is deposited with the U.S. Postal Service as first class mail.
6. I verify that on April 13, 2001, Spencer H. Schneider, Esq. caused the Communication in Response to the Notice to File Missing Parts, accompanied by a check in the amount of \$510.00 which included the required fee of \$455.00 for a three-month extension of time, to be placed in the mailroom of Cooper & Dunham LLP.
7. There were no other steps, within reason, that could have been taken to ensure that the April 13, 2001 Communication in Response to the Notice to File Missing Parts was timely filed.

Dated: November 27, 2002


 John P. White
 Registration No. 28,678
 Attorney for Applicant, Cooper
 & Dunham LLP
 1185 Avenue of the Americas
 New York, New York 10036
 (212) 278-0400